

Filed for intro on 02/22/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB1513  
By Kisber

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4 and Title 55, Chapter 50, Part 5, relative to the use of a restricted driver license upon a person's conviction for driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (d)(1) and substituting instead the following:

(d) (1) Except as provided in subdivision (d)(2), if a person's motor vehicle operator's license has been suspended pursuant to subsection (a) and such suspension is the result of the person's first conviction for violating §§ 55-10-401 - 55-10-404, the trial judge is vested with the authority and discretion to allow the continued use of a restricted motor vehicle operator's license issued in accordance with § 55-50-502, or may, in the event such a license has not been issued, order the issuance of a restricted license allowing the person so convicted to operate a motor vehicle for the exclusive purpose of going to and from and working at such person's regular place of employment. A Tennessee resident, whose operator's license has been suspended because of a conviction in another jurisdiction of operating a motor vehicle while under the influence of an intoxicating liquor or a narcotic drug, may apply to a judge of any court of the

county of such person's residence having jurisdiction to try charges for a restricted motor vehicle operator's license if the conviction for such offense is the person's first. The judge has the discretion to allow the continued use of a restricted motor vehicle operator's license issued in accordance with § 55-50-502(c), or may, in the event such a license has not been issued, order the issuance of a restricted motor vehicle operator's license allowing the person so convicted to operate a motor vehicle for the exclusive purpose of going to and from and working at such person's regular place of employment; provided, that a copy of the judgment of conviction, certified by the court which tried the case, accompanies the application; and provided further, that the conviction is the person's first conviction in any jurisdiction for operating a motor vehicle under the influence of an intoxicating liquor or a narcotic drug. Such order shall state with all practicable specificity the necessary time and places of permissible operation of a motor vehicle and shall be made a part of the order or judgment of the court. The order may be prescribed within ten (10) days after the date of conviction to the department of safety, accompanied by a fee of sixty-five dollars (\$65.00), which shall forthwith issue a restricted license embodying the limitations imposed upon the person so convicted; provided, that the person shall first successfully complete a driver's license examination. After proper application, and until such time as the restricted license is issued, a certified copy of the order or judgment of the court may serve in lieu of the motor vehicle operator's license.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it and shall apply to all applicable convictions occurring on or after such date.